

DISCUSSION OF THE AMENDMENT

For purposes of convenience, Applicants will cite to the paragraph number of the published patent application (PG Pub) of the present application, i.e., US 2006/0058449, when discussing the application description, both in this section and in the Remarks section, *infra*, rather than to page and line of the specification as filed.

The claims have been amended from plural to active form, i.e., “copolymers” has been replaced with --a copolymer--, where applicable. In addition, the independent claims have been amended to make explicit what was at least previously implicit, i.e., that there may be one or more other monomers C, and that the recited percentages for the copolymer add up to 100%.

In addition, Claim 10 has been amended to recite that lactam A is --cyclic--. Note that as an applicant is entitled to be his own lexicographer, Applicants have defined the term “lactam” in the specification to be inclusive of non-cyclic compounds, at paragraph [0028]. Claim 18 has been additionally amended to exclude acrylic acid from the definition of monomer C. As acrylic acid is described as an applicable monomer C in the specification at paragraph [0035], its exclusion complies with the description requirement. See *In re Johnson*, 558 F.2d 1008, 194 USPQ 187 (CCPA 1977) (**copy enclosed**) (holding that a claim to a genus with a recital of a negative proviso that did not appear in the specification complied with the description requirement.) Claim 27 has been amended to be consistent with this latter-discussed amendment to Claim 18.

Claim 40 has been amended to depend on Claim 10 and by limiting the cyclic lactam to N-vinylcaprolactam, since the deleted subject matter is already the subject matter of Claim 13.

Claims 19, 25, 36-39 and 41-44 have been canceled.

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New Claims 46-48 have been added. Claims 46 and 47 are supported in the specification at paragraph [0016]. Claim 48 limits the cyclic lactam to N-vinylpyrrolidone.

No new matter is believed to have been added by the above amendment. Claims 10-15, 17, 18, 20, 21, 26-35, 40, and 45-48 are now pending in the application. Of these claims, Claims 18, 26, 27, 31-33, 35 and 45-48 are active.

REMARKS

The rejection of Claims 18-21, 25-27, 31, 32, 35, 44 and 45 under 35 U.S.C. § 103(a) as unpatentable over US 5,219,906 (Shih et al), is respectfully traversed. Shih et al discloses a solubilizing agent for water insoluble vinylpyrrolidone/acrylic acid copolymers, wherein the proportion of vinylpyrrolidone to acrylic acid can vary between 20:80 to about 80:20, although the copolymers containing not more than 75 wt% of vinylpyrrolidone are preferred (column 2, lines 16-19), which copolymer may optionally contain less than 10% of other polymerized polymeric species, such as butyl acrylate and ethyl hexyl acrylate (column 2, lines 20-23).

Shih et al neither discloses nor suggests the subject matter of the presently-active claims. Shih et al must contain a minimum of 20% of acrylic acid. In the presently-active claims, acrylic acid is either excluded or permissibly present as part of the copolymer but in an amount less than 20 wt%. There is neither disclosure nor suggestion in Shih et al to reduce the amount of acrylic acid in their copolymers. Indeed, since Shih et al prefer a maximum of 75 wt% of vinylpyrrolidone in the copolymer, Shih et al inferentially suggests amounts of acrylic acid greater than 20%, not less. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 18-21, 25-27, 31, 32, 35, 44 and 45 under 35 U.S.C. § 112, second paragraph, as indefinite, in the recital of the term “noncyclic lactam”, is respectfully traversed. As discussed above, an applicant is entitled to be his own lexicographer, and thus the disclosure herein includes a somewhat broader definition of lactam. Nevertheless, the rejection is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the rejection be withdrawn.

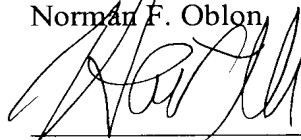
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All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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